

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

AXLE OF DEARBORN, INC., D.B.A.
DETROIT AXLE, a Michigan corporation;
DETROIT AXLE, INC., a Michigan
corporation; and **DETROIT AXLE QSSS,**
INC., a Michigan corporation,

Plaintiffs,

v.

Case No. 21-cv-10163
Hon. Gershwin A. Drain
Magistrate Anthony P. Patti

DETROIT IT, LLC, a Michigan limited
liability company and **ERIC**
GRUNDLEHNER, an individual,

Defendants.

and

DETROIT IT, LLC, a Michigan limited
liability company,

Counter-Plaintiff,

v.

AXLE OF DEARBORN, INC., D.B.A.
DETROIT AXLE, a Michigan corporation;
DETROIT AXLE, INC., a Michigan
corporation; **DETROIT AXLE QSSS,**
INC., a Michigan corporation, and
MOUHAMED MUSHEINESH, an individual.

Counter-Defendants.

**PLAINTIFFS/COUNTER-DEFENDANTS’ OMNIBUS RESPONSE TO
JOELSON ROSENBERG, PLC’S MOTIONS FOR LEAVE TO
WITHDRAW AS COUNSEL FOR DETROIT IT, LLC AND ERIC
GRUNDLEHNER**

Joelson Rosenberg, PLC (“Joelson Rosenberg”) has filed motions to withdraw its attorneys of record (David Warren, Peter Joelson, Emily Warren, and Jason Yert) from these proceedings. *See* Doc. Nos. 58-61. While Plaintiffs/Counter-Defendants do not oppose Joelson Rosenberg’s Motions to Withdraw before the Court, counsel’s conduct throughout these proceedings has been at the forefront of this dispute and their withdrawal should be conditioned as set forth below. Specifically, it is imperative that Plaintiffs/Counter-Defendants do not waive their right to seek attorneys’ fees for the period in which Joelson Rosenberg represented Defendants, retain their ability to seek sanctions related to Joelson Rosenberg’s representation, or retain their ability to add Joelson Rosenberg or any of its attorneys as individuals as named parties to these proceedings.

Joelson Rosenberg’s misconduct is an active issue before this Court. Plaintiffs previously plead wrongdoings by Joelson Rosenberg in its First Amended Complaint, including Jason Yert’s repeated threats to Plaintiffs that either he or his client would barge into Detroit Axle’s facility without approval or consent, which forced Plaintiff to seek injunctive relief in Oakland County to prevent this trespass. *See* ¶ 77, ECF No. 33, PageID.1492, ¶ 134-138, ECF No. 33, PageID.1502; *Axle of Dearborn, Inc., D.B.A. Detroit Axle, Detroit Axle, Inc. and Detroit Axle QSSS, Inc.*

v. Detroit IT, LLC and Eric Grundlehner, Case No. 2021-185911-CB, Oakland County Circuit Court, Hon. Michael Warren. Joelsen Rosenberg should not be absolved of their responsibility for this misconduct.

Indeed, these wrongdoings were the subject of discovery requests issued to Defendants prior to the filing of Joelson Rosenberg's Motions, in which Plaintiffs specifically requested that Defendants "Produce all documents and communications between You and Jason Yert relating to his trespass and/or attempts to trespass on Detroit Axle's property" as Joelson Rosenberg's misconduct has caused harm to Plaintiffs.

Joelson Rosenberg and/or Defendants/Counter-Plaintiffs should not be permitted to evade liability for Joelson Rosenberg's misconduct simply through Joelson Rosenberg's withdrawal from this litigation. As such, Plaintiffs/Counter-Defendants request that this Court, should it permit Joelson Rosenberg to withdraw, do so with the limitation that Plaintiffs/Counter-Defendants:

- A. Do not waive their right to seek attorneys' fees for the period in which Joelson Rosenberg represented Defendants,
- B. Retain their ability to seek sanctions related to Joelson Rosenberg's representation, and
- C. Retain their ability to add Joelson Rosenberg or any of its attorneys as individuals as named parties to these proceedings.

Respectfully submitted,

TAFT STETTINIUS & HOLLISTER, LLP

Dated: July 5, 2023

By: /s/ Paige M. Szymanski

Jonathan H. Schwartz (P70819)

Benjamin M. Low (P82834)

Paige M. Szymanski (P81746)

Attorneys for Plaintiffs

27777 Franklin Rd., Ste. 2500

Southfield, MI 48034

(248) 351-3000

Jschwartz@taftlaw.com

benlow@taftlaw.com

pszymanski@taftlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is employed by Taft Stettinius & Hollister LLP, and that on July 5, 2023 I served the foregoing papers and this Certificate of Service via the Court's electronic filing system.

/s/ Paige M. Szymanski

Paige M. Szymanski